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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 PENA FLORES WASHINGTON,
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14 ALBERTO R. GONZALES, et al.,
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Petitioner,
v.
Respondents.

Civil No. 06cv1858-LAB (RBB)

**ORDER DISMISSING PETITION
WITHOUT PREJUDICE AS
DUPLICATIVE**

Petitioner, a Department of Homeland Security detainee proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. The Court may dismiss a duplicative petition as frivolous if it “merely repeats pending or previously litigated claims.” Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citations omitted). Here, Petitioner has filed two identical petitions with this Court. The Petition in this case was filed on September 8, 2006. An identical petition was filed September 7, 2006 in SO. DIST. CA CIVIL CASE NO. 06cv1804-JAH (RBB).

Based on the foregoing, the Court **DISMISSES** this case without prejudice to Petitioner to proceed with his claims in SO. DIST. CA CIVIL CASE NO. 06cv1804-JAH (RBB). The Clerk shall close the file.

IT IS SO ORDERED.

DATED: 9.22.06

Larry A. Burns

Hon. Larry A. Burns
United States District Judge

CC: ALL PARTIES